

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Regional Assessments

Sydney 17 APRIL

2018

SCHEDULE 1

Development consent: SSD 7382 granted by the Minister for Planning on 23 September 2016

For the following:

Construction and use of an education building, including:

- site preparation works, including demolition of existing Building 2 to ground level and associated tree removal
- construction of a new 15 storey Building 2, including a part five storey podium and one level of plant, above an existing two-level basement
- construction of a four-storey extension of podium of Building 1 along Broadway
- public domain improvements works
- landscaping works
- staged construction of the two buildings
- extension and augmentation of physical infrastructure/utilities.

Applicant:

The University of Technology Sydney

Consent Authority:

Minister for Planning

The Land:

Broadway Precinct, UTS City Campus, Ultimo (Lot 2012 DP 1183894)

Modification:

SSD 7382 MOD 2: the modification:

- extends the hours of construction for all construction works
- establishes hours of construction for internal works.

SCHEDULE 2

The consent (SSD 7382) is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions, condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

Development in Accordance with Plans and Documents

- A2. The Applicant must carry out the project in accordance with the conditions of consent and generally in accordance with the:
- a) State Significant Development Application SSD 7382;
 - b) EIS, as amended by the RtS;
 - c) **following modification applications:**
 - i) **Section 96(1A) Modification Application (SSD 7382 MOD 1) ~~SSD 7382~~ Statement of Environmental Effects prepared by JBA Urban Planning dated 1 February 2017 and Response to Request for Additional Information dated 7 April 2017;**
 - ii) **Section 4.55(1A) Modification Application (SSD 7382 MOD 2) prepared by Ethos Urban dated 13 October 2017, Response to Submissions dated 27 February 2018 and addendum acoustic report dated 4 April 2018**
 - d) The conditions of this consent; and
 - e) The following drawings, except for:
 - i) any modifications which are Exempt or Complying Development; and
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by FJMT and Lacoste + Stevenson and Daryl Jackson Robin Dyke Pty Ltd Architects			
Drawing No.	Issue	Name of Plan	Date
DA S96 1001[B]	B	Site plan Location plan	01/2017
DA S96 1002[B]	B	Ground plane and Level 4	01/2017
DA2001	A	General Arrangement Demolition – Level 1	05/2016
DA2002	A	General Arrangement Demolition – Level 2	05/2016
DA2003	A	General Arrangement Demolition – Level 3	05/2016
DA2004	A	General Arrangement Demolition – Level 4	05/2016
DA2005	A	General Arrangement Demolition – Level 5	05/2016
DA2006	A	General Arrangement Demolition – Level 6	05/2016
DA2007	A	General Arrangement Demolition – Level 7	05/2016
DA2008	A	General Arrangement Demolition – Level 8	05/2016
DA S96 2201[B]	B	General Arrangement Proposed – Level 1	01/2017
DA S96 2202[B]	B	General Arrangement Proposed – Level 2	01/2017
DA S96 2203[B]	B	General Arrangement Proposed – Level 3	01/2017
DA S96 2204[B]	B	General Arrangement Proposed – Level 4	01/2017
DA S96 2205[B]	B	General Arrangement Proposed – Level 5	01/2017
DA S96 2206 [B]	B	General Arrangement Proposed – Level 6	01/2017
DA S96 2207[B]	B	General Arrangement Proposed – Level 7	01/2017
DA S96 2208[B]	B	General Arrangement Proposed – Level 8	01/2017
DA S96 2209[B]	B	General Arrangement Proposed – Level 9	01/2017
DA S96 2210[B]	B	General Arrangement Proposed – Level 10	01/2017

DA S96 2211[B]	B	General Arrangement Proposed – Level 11	01/2017
DA S96 2212[B]	B	General Arrangement Proposed – Level 12	01/2017
DA S96 2213 [B]	B	General Arrangement Proposed – Level 13	01/2017
DA S96 2214[B]	B	General Arrangement Proposed – Level 14	01/2017
DA S96 2215[B]	B	General Arrangement Proposed – Level 15	01/2017
DA S96 2216[B]	B	General Arrangement Proposed – Level 16	01/2017
DA S96 2217[B]	B	General Arrangement Proposed – Level 17	01/2017
DA S96 2218[B]	B	General Arrangement Proposed – RF Roof	01/2017
DA S96 3010[B]	B	South (Broadway) Elevation 1:250	01/2017
DA S96 3011[B]	B	North (Alumni Green) Elevation 1:250	01/2017
DA S96 3012[B]	B	West (Jones Street) Elevation 1:250	01/2017
DA S96 3013[B]	B	East (CB01) Elevation 1:250	01/2017
DA S96 3014[B]	B	Section A 1:250	01/2017
DA S96 3015[B]	B	Section B 1:250	01/2017
DA3016	A	Section C 1:250	05/2016
DA8010	A	Materials Sample Board	05/2016
1	A	Broadway Façade – Elevation and Views	07/2016
Landscape (or Design) Drawings prepared by FJMT and Lacoste + Stevenson and Daryl Jackson Robin Dyke Pty Ltd Architects			
Drawing No.	Issue	Name of Plan	Date
DA S96 6010[B]	B	Landscape Site Plan	01/2017
DA S96 6011[B]	B	Landscape – Level 4	01/2017
DA S96 6012[B]	B	Landscape – Level 8	01/2017
DA S96 6013[B]	B	Landscape – Level 8 & Level 17	01/2017
DA S96 6014[B]	B	Landscape – Sections	01/2017

- (b) Schedule 2 Part C – During Construction, is amended by the insertion of the following new conditions C1A and C1B

Hours of Work

- C1. The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:
- between 7 am and ~~6 pm~~ **7 pm**, Mondays to Fridays inclusive;
 - between ~~7.30 am~~ **7 am** and ~~3.30 pm~~ **5 pm**, Saturdays; and
 - no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- the delivery of materials is required outside these hours by the Police or other authorities; or
- it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- variation is approved in advance in writing by the Secretary or her nominee.

- (c) Schedule 2 Part C – During Construction, is amended by the insertion of the following new conditions C1A and C1B

C1A Notwithstanding condition C1, additional work is permitted to be carried out between 7 pm and 10:30 pm, Monday to Friday subject to the following requirements being met:

- a) works are to be limited to internal fit-out works only, such as the installation of services, masonry, linings and joinery, floor finishes and tiling**
- b) all work is to be undertaken internally, within the fully completed external façade of the building with all external windows and doors fully installed and closed during works**
- c) no deliveries of materials to the site or collection of materials or waste from the site are to be made**
- d) no work outside of, and including, the building façade**
- e) no use of cranes (excluding external hoist cranes)**
- f) no floodlighting or additional lighting over and above current lighting levels required for safety and access, ie. no change from current lighting levels**
- g) all workers are to be appraised of the following requirements, and the builder is to ensure the following practices are adhered to:**
 - i) access to the site during the extended hours is restricted to the site personnel only**
 - ii) all workers are to enter and exit the site via accesses points on Jones Street and Broadway only**
 - iii) workers entering or exiting the site after the standard hours of construction (condition C1) are to take care not to speak in raised voices, talk on mobile phones, use any radio including car radio, cause noise disturbance through the transportation of tools or other activity**

All sensitive receivers shall be notified in writing, seven days prior to the commencement of approved extended construction hours. The Secretary shall be notified of any complaints received regarding works undertaken during the extended construction hours. Should any substantiated complaints concerning offensive noise from any works conducted outside the standard construction hours not be satisfactory resolved, then the approved hours shall revert back to the standard hours of construction in condition C1a).

C1B All construction works shall be carried out in accordance with the noise requirements of Conditions B26 and C8 to C15 and the noise management and mitigation measures of the Acoustic Statement prepared by Acoustic Studio titled *Acoustic Assessment for Extended Working Hours* dated 17 October 2017 as amended by addendum reports dated 15 February and 4 April 2018.

**End of modification
(SSD 7382 MOD 2)**